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10/751,194	12/31/2003	Garrett R. Goldfield	6034-04500	2548
<div>7590      11/16/2007</div> <div>Robert C. Kowert Meyertons, Hood, Kivlin, Kowert &amp; Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398</div>				
			EXAMINER DAM, KIM LYNN	
			ART UNIT 2179	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/751,194

Applicant(s)

GOLDFIELD ET AL.

Examiner

Kim-Lynn Dam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 11, 13-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-11, 13-18, and 20-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on 8/22/07.

**This action is made final.**

2. Applicant amended claims 1, 3-8, 10, 11, 13-18, 20, 21, 23, 25 and 26; and cancelled claims 9, 12, 19 and 22. Claims 1-8, 10-11, 13-18, and 20-21 have been examined and are pending. Claims 1, 11, 21 and 26 are independent.

### ***Claim Objections***

3. Claim 23 objected to because of the following informalities: Claim 23 is recited as dependent on claim 22, which has been canceled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinlaender (US 2002/0015056 A1) in view of Garber et al. (USPN 4,905,163).

Regarding claim 1, Weinlaender disclosed a computer-implemented method of providing help information for a software application comprising:

maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating:

help information presented to a user by said software application in response to a selection of a help information file comprising the help information (Paragraph [0022]);

an application context, wherein the application context is a portion of said software application executing during said selection of the help information file (Paragraph [0009], [0013], and [0022], where recorded the types of access also apply to user's access to the help information, therefore the context during said selection of help information must also be stored in a data entry);

selecting additional help information for presentation to a user based on a particular entry of the user help knowledge base including help information previously selected by a user as indicated by said particular entry (Page 1, paragraph [0009]; Page 2, [0013]);

Weinlaender did not specifically disclose:

maintaining a user help knowledge base, wherein said maintaining comprises creating a plurality of data entries, wherein each data entry of said plurality of data entries comprises data indicating:

a presentation mode selected by the user, wherein said help information is presented to the user according to said presentation mode selected

by the user; and  
determining a presentation mode for the additional help information based on said particular entry of the user knowledge base including a presentation mode of help information previously selected by the user as indicated by said particular entry; and  
presenting the additional help information according to the determined presentation mode.

However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 2, line 52 to Column 3 line 4; Column 7, lines 27-37, where monitoring users' activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 2, the rejection of claim 1 is incorporated and further Weinlaender disclosed tracking the help information previously selected by the user in a user help profile of the user help knowledge base (Page 1, paragraph [0007], lines 8-15; Page 2, paragraph [0013]; (where "user help profile data set" is user help profile)).

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Regarding claim 3, the rejection of claim 2 is incorporated and further Weinlaender disclosed wherein the user help knowledge base comprises a user application profile (Page 1, paragraph [0007], lines 3-8; (where "user profile data set" is application profile)).

Weinlaender did not specifically disclose wherein the user application profile comprises one or more personal details about the user. However Garber disclosed storing personal details about the user (Column 15, lines 9-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made, to incorporate the teachings of Garber into the system of Weinlaender since doing so would help provide users with information dependent on their personal details.

Regarding claim 4, the rejection of claim 1 is incorporated and further Weinlaender disclosed prioritizing additional help information for presentation based on the user help knowledge base and one or more help rules each associated with a change in application context of the software application (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[0029], where the selected help information is dynamically selected depending on user's utilization focus or utilization habits (Paragraph [0028]), frequency and/or types of access to functions/learning characteristics etc, which have to come from recorded changes in application context).

Regarding claim 5, the rejection of claim 1 is incorporated and further Weinlaender does not expressly teach selecting additional help information for presentation comprises

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selecting help information from third-party service providers based on the user help knowledge base. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Weinlaender, because Weinlaender disclosed a help system used in computer networks including those based on communication via the internet (Page 4, paragraph [0039]). The skilled artisan knows that computer networks based on communication via the Internet would allow for help presentation from third-party service providers to be selected. Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their database.

Regarding claim 6, the rejection of claim 1 is incorporated and further Weinlaender does not specifically disclose wherein the presentation mode of the help information comprises a mode for presenting information to the user. However, Garber disclosed multiple information presentation modes (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 7, the rejection of claim 6 is incorporated and further Garber disclosed wherein the presentation mode comprises at least one selected from the group

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consisting of a visual mode, a display mode and an audio mode (Column 7, lines 27-34; Column 15, lines 32-34).

Regarding claim 8, the rejection of claim 7 is incorporated and further Garber disclosed wherein the display mode comprises a graphical form (Column 7, lines 27-34).

Regarding claim 10, the rejection of claim 1 is incorporated and further Weinlaender disclosed wherein one or more of the plurality of data entries further comprises:

an identifier of the help file selected (Page 1, paragraph [0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-0023]),

at least on help topic associated with the help file ((Page 1, paragraph [0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-0023]), and

Weinlaender did not specifically disclose the data entry including a help content format of the file. However Garber disclosed monitoring a user's responses and determining presentation modes that users often request using a User Modeling systems that examines an individual's user history (Column 2, line 52 to Column 3 line 4; Column 7, lines 27-37, where monitoring users' activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).



Regarding claim 11, the limitations of the claims are similar to those of claim 1, therefore it is rejected under the same rationale as applied above.

Regarding claims 13-17 and 20, the limitations of the claims are similar to those of claims 3-7 and 10 therefore they are rejected under the same rationale as applied above.

Regarding claim 18, the rejection of claim 17 is incorporated and further Weinlaender disclosed wherein the display mode is a hypertext link (Figure 3; Page 3, paragraph [0026], lines 9-15).

Regarding claim 21, Weinlaender disclosed a system of providing help information for a software application comprising:

- a processor configured to execute the software application (Figure 1, element 4);
- a memory accessible to the processor, the memory storing a user help knowledge base, and a database of help information files, wherein the user help knowledge base comprises a plurality of data entries each comprising data indicating:  
(Figure 2, element 5);
  - help information previously accessed by a user from said database
  - of help files (Paragraph [0022]);
  - an application context, wherein the application context is a portion of

the software application executing during a selection of said help information previously accessed by said user (Paragraph [0009], [0013], and [0022], where recorded the types of access also apply to user's access to the help information, therefore the context during said selection of help information must also be stored in a data entry);

an input device communicatively coupled to the processor to receive user input (Figure 2, element 3); and

an output device communicatively coupled to the processor for presenting data (Figure 2, element 6);

wherein the software application is executable by the processor to provide:

a help module configured to select particular help information for presentation to a user based on (Figure 2, element 120):

said help information previously accessed by a user from said database of help files as specified by the user help knowledge base (Paragraph [0022]); and

said application context as specified by the user help knowledge base (Paragraph [0009], [0013], and [0022], where recorded the types of access also apply to user's access to the help information);

an application module communicatively coupled to the help module wherein the application module and help module are configured to exchange user data (Figure 2, element 1a); and

a user interface module communicatively coupled to the help module, wherein the user interface module is configured to:

receive user input from the user input device,  
send user input data to the help module,  
and format said particular help information from the help module in a mode of  
according to the determined presentation mode for presentation by the output device  
(Figure 2).

Weinlaender did not specifically disclose wherein the user help knowledge base comprises a plurality of data entries each comprising data indicating: a previous presentation mode, wherein said presentation mode is associated with said help information previously accessed by the user or wherein the help module is further configured to determine a presentation mode for the particular help information based on said previous presentation mode as indicated by the user help knowledge base. However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 2, line 52 to Column 3 line 4; Column 7, lines 27-37, where monitoring users' activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 23, the rejection of claim 22 is incorporated and further Weinlaender disclosed wherein the user help profile further comprises at least one data entry created by the software application in response to a user selection of a help information file from said database, the database, the data entry including the following data (Page 2, paragraphs [0013] and [0021-0023] where user interactions are dynamically recorded):

the application context in which the help file is selected, an identifier of the help file selected, at least one help topic associated with the help file (Page 1, paragraph [0009-0010], (help data topics); Page 2, paragraphs [0013] and [0021-0023].

Weinlaender did not specifically disclose the data entry including a help content format of the file. However Garber disclosed monitoring a user's responses and determining presentation modes that users often request using a User Modeling systems that examines an individual's user history (Column 2, line 52 to Column 3 line 4; Column 7, lines 27-37, where monitoring users' activity to determine preferences means their previously selected presentation modes must be stored in some type of data entry). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 24, the limitations of the claims are similar to those of claims 13, respectively; therefore it is rejected under the same rationale as applied above.

Regarding claim 25, the rejection of claim 11 is incorporated and further Weinlaender does not expressly teach wherein the processor further comprises a network interface and the help module further comprises a communication interface to a server for a third party service provider wherein the help module requests information from the third party server and receives the information through the communication interface. However, this limitation would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Weinlaender, because Weinlaender disclosed a help system used in computer networks including those based on communication via the internet (Page 4, paragraph [0039]. The skilled artisan knows that computer networks based on communication via the Internet (third party server) require a communication interface that would allow for the help module to request and receive information. Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their database.

Regarding claim 26, Weinlaender disclosed a computer-implemented method of providing help information for a software application comprising:

- selecting help information for presentation to a user based on help information previously selected by a user (Page 1, paragraph [0009]; Page 2, [0013]); and

- determining a priority for presentation of the help information based on one or more help rules, wherein said priority indicates an order of presentation for different

portions of said help information (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[0029], where the selected help information is dynamically selected depending on user's utilization focus or utilization habits (Paragraph [0028]), frequency and/or types of access to functions/learning characteristics etc).

presenting the selected help information according to the determined said priority (Page 1, paragraph [0009]; Page 3, paragraphs [0026]-[0029]).

Weinlaender did not specifically disclose determining a presentation mode of the selected help information based on a presentation mode of said other help information previously selected by the user; and presenting the selected help information according to the determined presentation mode. However, Garber disclosed multiple information presentation modes, monitoring user's responses and determining that a user often requests information in a visual form and presenting information initially in a visual form to match the user's typical preferences (Column 7, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Garber with the system of Weinlaender since doing so would allow help information to be presented in a mode according to a user's typical preferences (Garber: Column 7, lines 27-37).

Regarding claim 27, the rejection of claim 26 is incorporated and further Weinlaender disclosed tracking the help information previously selected by the user in a user help profile (Page 1, paragraph [0007], lines 8-15; Page 2, paragraph [0013]; (where "user help profile data set" is user help profile)).

***Response to Arguments***

Applicant is reminded that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

3. Applicant's arguments with respect to claims 1, 4, 11, 25 and 26 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

4. Applicant's arguments filed with respect to claims 5 and 25 have been fully considered but they are not persuasive. Information can be retrieved from various sources and Weinlaender would have been motivated to have additional help information available from third-party service providers in order to not limit the help information available to what is available on their database. See rejection of claims above.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam

BA HUYNH  
PRIMARY EXAMINER